IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4024 OF 2006
WITH
CIVIL APPLICATION NO.131 OF 2007
IN
WRIT PETITION NO.4024 OF 2006

Mr.Phiroze Edal Havaldar .. Petitioner.
Vs.
Mr.Jagdish Amritlal Karia & Anr. .. Respondents.

Mr.C.T.Kirpalani for the petitioner.
Mr.A.K.Abhyankar i/b Mr.R.S.Patil for the respondents.

CORAM : D.B.BHOSALE, J.
DATED : 25TH JANUARY, 2007

P.C.:

. Heard learned counsel for the parties.

2. By this writ petition, the petitioner/applicant has impugned the judgment and order dated 24th March, 2006. The operative part of the order reads thus:

> "Defendants are hereby directed to deposit arrears of rent and permitted increases Rs.1,27,842.80 ps. upto 31st July, 2005 within two months from date of this order.
>
> The defendants are further directed to deposit monthly rent @ Rs.766/- per month from August 2005 to March, 2006 within two months from date of this order.
>
> Defendants are directed to deposit monthly rent @ Rs.766/- on or before 10th day of every month from April, 2006.
>
> Plaintiffs is at liberty to withdraw amount deposited by defendants from time to time.
>
> No order as to costs."

3. I perused the judgment. Having regard to the

overall facts and circumstances of the case I do not find any reason to interfere with such order in writ jurisdiction of this court under Article 227 of the Constitution of India since, in my opinion, no prejudice whatsoever will be caused to the defendants if the order is maintained. I am satisfied that the following order shall meet the ends of justice:

(i) The petitioner shall deposit the arrears within eight weeks from today and keep depositing the monthly rent as per the order impugned in the petition.

(ii) The respondents-plaintiffs will have a liberty to withdraw the arrears by furnishing security to the satisfaction of the trial Court. However, for withdrawing the monthly rent, that will be deposited pending hearing of the suit, the respondents need not furnish any security.

4. In view of this order, the order dated 22.12.2006 passed in Interim Notice No.2153 of 2006, impugned in civil application no.131 of 2007 renders ineffective. However, if the arrears are not deposited within the time stipulated by this order the order dated 22.12.2006 shall operate. All the contentions are kept open. The hearing of the suit is expedited. The writ petition and the civil application are disposed of.

(D.B.Bhosale, J.)